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July 10, 2008

**BY FACSIMILE**Hon. Victor Marrero, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street, Suite 660  
New York, New York 10007Re: Cesar Arias v. Stonhard, Inc.  
Case No. : 08 CV 3286 (VM)USDS SDNY  
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Dear Judge Marreo:

This firm represents the plaintiff in the above-referenced action. Your Honor has scheduled a status conference in this action for July 11, 2008 (the conference). Please allow this letter to serve as the parties' joint application for the Court to cancel the conference. The reason for this request is that based upon information provided by defendant after the initial conference plaintiff intends to add an additional party to this action, Surfacesys, Inc., which is a domestic corporation. The addition of a domestic corporation will eliminate the basis for this Court to exercise jurisdiction in this matter under 28 U.S.C. § 1332. Consequently, this action should be remanded to Bronx Supreme Court. Be advised that I have discussed this application with the defendant's attorney and he acknowledges that under the circumstances he will not oppose the Court remanding this action and he joins in the application to cancel the conference.

Thank you for your Honor's consideration.

*Request GRANTED. The status conference on this action for 7-11-08 is cancelled. The Clerk of Court is directed to remand this action to the New York State Supreme Court, Bronx County in accordance with the parties' ORDERED: agreement set forth above.*  
7-10-08  
DATE VICTOR MARRERO, U.S.D.J.  
cc. Michael B. Sena, Esq. (by facsimile)

Respectfully submitted,

LEFKOWITZ, HOGAN & CASSELL, LLP  
Attorneys for Plaintiff

Shaun K. Hogan